



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: MAY 11, 2009

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-07
2950 AND 2980 (SUITE H) MCCLINTOCK WAY

DATE: APRIL 30, 2009

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is proposing to modify a conditional use permit to allow an elementary school in conjunction with a preschool (Christian Montessori School) as well as to allow a space within an adjacent multiple-tenant commercial building to be used as a classroom for the elementary school students.

APPLICANT

The applicant is Inayat Bergum, authorized agent for Ted Richard, the owner of both properties.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property containing the Christian Montessori School (2950 McClintock Way) is located at the intersection of McClintock Way and Logan Avenue, bounded on the east side by a self-storage facility and on the west side by industrial buildings. The property immediately to the north of the school (2980 McClintock Way) contains a multiple tenant commercial building; Suite H is a vacant commercial unit within the building where the proposed classroom would be located. Both properties are zoned C1 (Local Business).

On July 12, 1971, Planning Commission approved Zone Exception Permit ZE-71-70 for a preschool for a maximum of 70 children, ages two to six years of age, for the property at 2950 McClintock Way. On February 13, 1973, Commission approved an amendment to the ZE to allow a maximum of 100 children (ZE-73-04). The applicant has been operating the Christian Montessori School at this location since 1985.

The operation began as a preschool, however, as the children grew older than age six, the desire of the parents to have their children remain in the school led to the addition of elementary school classes for children ages seven to 12. However, ZE-73-04 was not updated to reflect the addition of the elementary school to the preschool. The overall enrollment remains at the maximum of 100 children as allowed under ZE-73-04.

ANALYSIS

The applicant currently provides instruction for 30 elementary school students within one of the classrooms in the building. The elementary school instruction has been offered for several years. Enrollment has never exceeded the maximum enrollment permitted under ZE-73-04. Hours of operation are unchanged and no complaints have been received regarding the use. Therefore, staff is in support of the inclusion of elementary school students at the school.

To improve the quality of the elementary classroom instruction, the applicant proposes to relocate the elementary school classroom to a vacant suite (Suite H) in an adjacent multiple tenant commercial building. The children would use the space for classroom instruction and will be supervised by staff at all times when walking to and from the Christian Montessori School for playground activities, field trips, etc. Classroom activities will be conducted entirely within the suite. Because the children would be supervised when traveling between the two properties, the distance between the main entrances of the commercial space to the existing school is less than 130 feet, and classroom activities will be conducted entirely within the suite, staff supports the request.

Additional information about the proposal can be found in Attachment 2. In the future, the applicant intends to build a permanent elementary classroom addition on the existing school property when funding is available.

GENERAL PLAN CONFORMITY

The use is permitted in the C1 zone, with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed or approve it with modifications; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

It is staff's opinion that the proposed use will not create any adverse impacts, such as noise, on the subject site or surrounding properties. Therefore, staff recommends approval of the request.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
 2. Applicant's Description of the Use
 3. Location Maps and Photos
 4. Plans

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Inayat Bergum
 2591 Irvine Avenue
 Costa Mesa, CA 92627

Ted Richard
 18901 E. Dodge Avenue
 Santa Ana, CA 92705

File: 051109PA0907	Date: 043009	Time: 1:30 p.m.
--------------------	--------------	-----------------

ATTACHMENT 1

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Inayat Bergum, authorized agent for Ted Richard, owner of real properties located at 2950 and 2980 McClintock Way, requesting approval of a conditional use permit to allow an elementary school in conjunction with a preschool as well as to allow a space (Suite H) within an adjacent multiple-tenant commercial building to be used as a classroom for elementary school students for Christian Montessori School; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 11, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-09-07 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-07 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 11th day of May, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 11, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS:**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, no increase to the existing enrollment is proposed. Children will be supervised by staff at all times when walking to or from the Christian Montessori School for playground activities, field trips, etc., a distance of less than 130 feet. Classroom activities will be conducted entirely within the building. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The use is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- PIng.
1. All applicable conditions of approval for Zone Exception Permits ZE-71-70 and ZE-73-04 shall continue to be complied with.
 2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 3. The conditions of approval and ordinance or code provisions of Planning Application PA-09-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 4. The use shall be limited to the type of operation described in this staff report. i.e., a combination preschool and elementary school with classroom instruction for 30 elementary school students within a commercial building space on an adjacent property. Any change in the operational characteristics including, but not limited to, number of students, or other changes which intensify or expands the use, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 5. The maximum occupancy, as determined by provisions of the Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 6. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 7. Children shall be supervised by staff at all times when walking to or from the elementary classroom in Suite H to the Christian Montessori School.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Inayat Bergum, authorized agent for Ted Richard, owner of real properties located at 2950 and 2980 McClintock Way, requesting approval of a conditional use permit to allow an elementary school in conjunction with a preschool as well as to allow a space (Suite H) within an adjacent multiple-tenant commercial building to be used as a classroom for elementary school students for Christian Montessori School; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 11, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-09-07 with respect to the property described above.

PASSED AND ADOPTED this 11th day of May, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL):

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan or Redevelopment Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-09-07. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

Christian Montessori Academy

2950 McClintock Way, Costa Mesa, CA 92626
714-966-0303

Received
City of Costa Mesa
Development Services Department

March 30, 2009

APR - 7 2009

To Whom It May Concern:

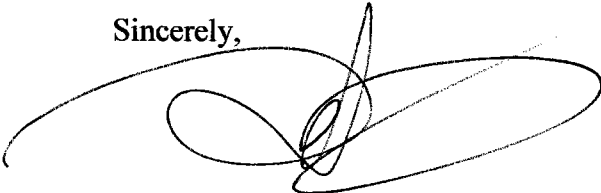
Since 1985, I am operating the Christian Montessori School on McClintock Way in Costa Mesa. My landlord is Ted Richard, who as well is the owner of the adjacent mini mall complex (see photo).

The ages of children we serve, are from 2 till 12 years of age. At this junction we want to improve the quality of classroom space for our 30 enrolled elementary children. Primarily the ones that are 7 years and above. This age group occupies a classroom space of 623.5 sq feet.

This space makes extra curricular such as taekwondo, drama, gymnastics, music and art activities hard to efficiently perform in. The added space sought, is in the spirit to create more classroom space for our enrolled children and not to increase enrollment.

We respectfully seek to move these children from our 2950 school building to a suite next to the school (in building 2980 suite H). This is to improve the quality of their school program as well as separate this age group from the preschoolers (the new proposed space is 50 by 19'8). Eventually we hope to build an elementary wing in the back of the school. The proposed suite H has a front exit facing McClintock Street and rear exit facing the parking lot. The children will use the front easement walkway at all times accompanied by staff without disturbing the landscaping, to walk to their playground during playground activities and sports programs or outside activities.

Sincerely,



Inayat Bergum

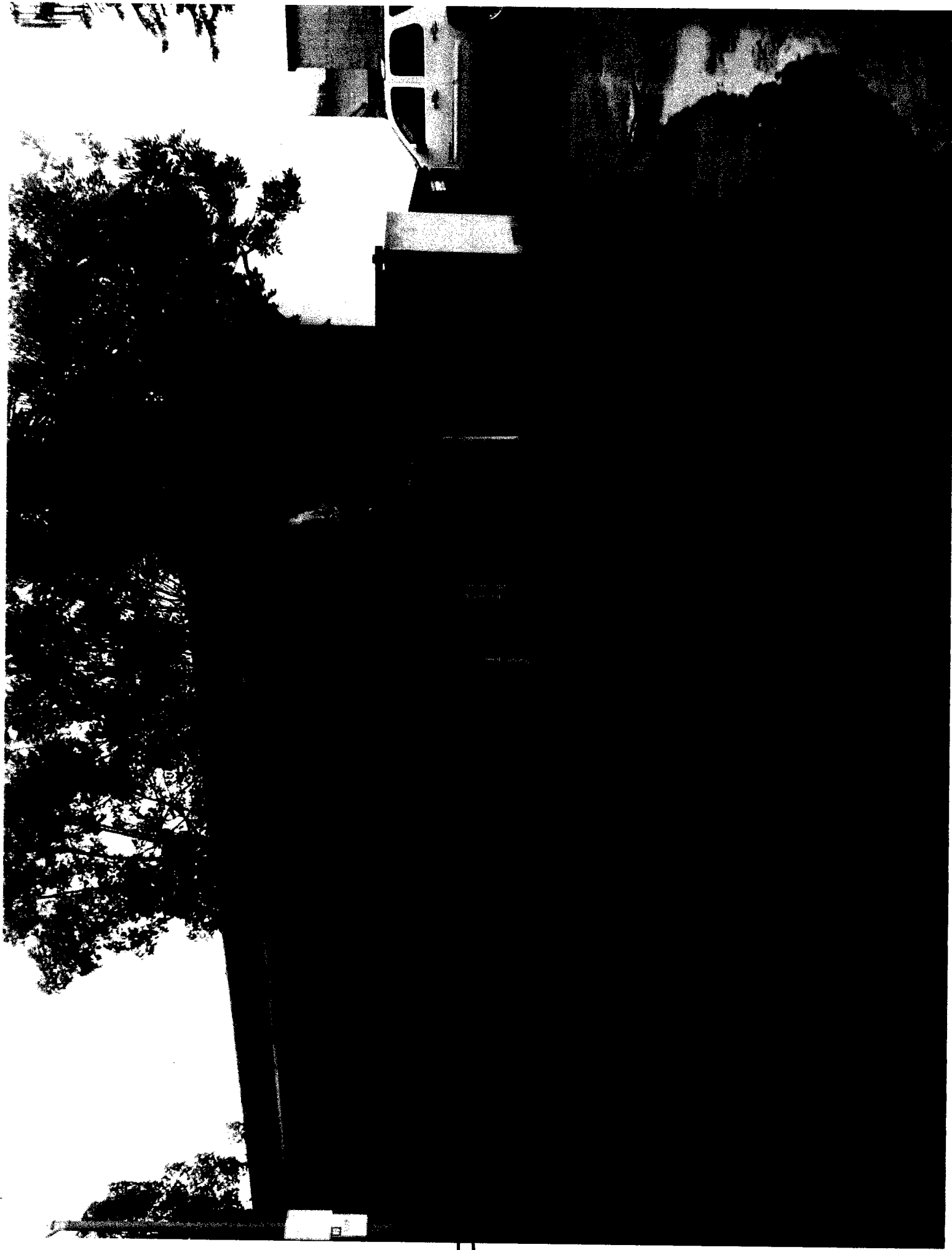
Pre-School Campus

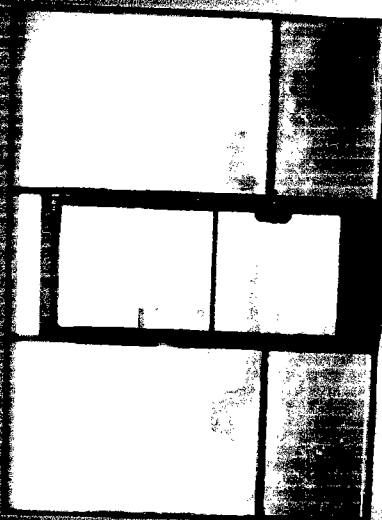
2591 IRVINE AVENUE
COSTA MESA, CALIFORNIA, 92627
TEL: (949) 631-9749
FAX: (949) 631-9750

Elementary Campus

381 UNIVERSITY DRIVE
COSTA MESA, CALIFORNIA, 92627
TEL : (949) 645-7745
FAX: (949) 645-7011

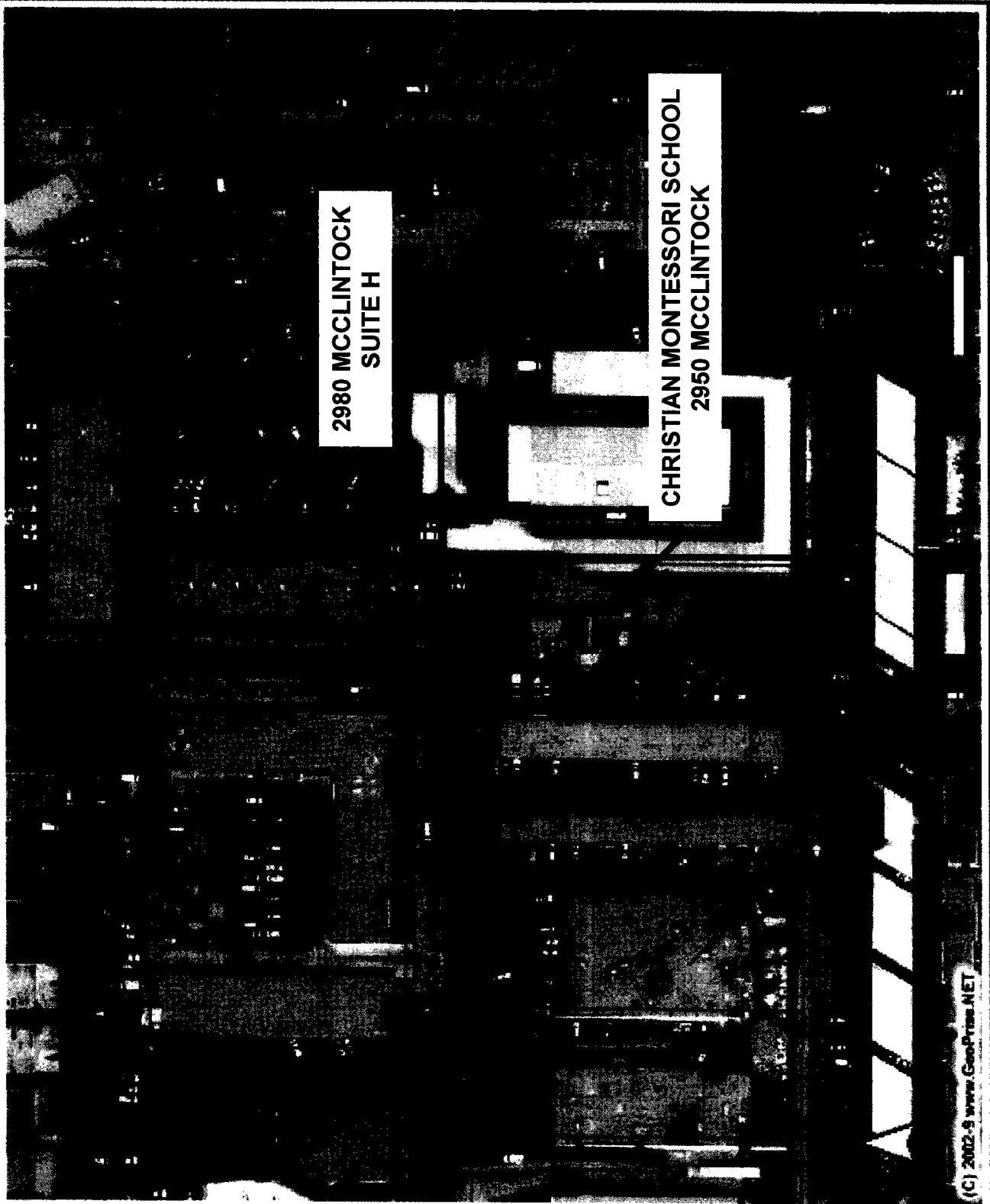
Web/E-Mail: www.intmontessori.com

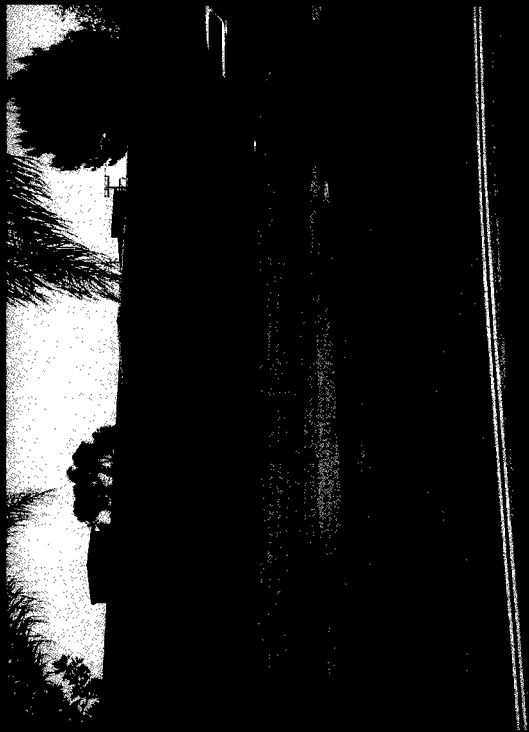




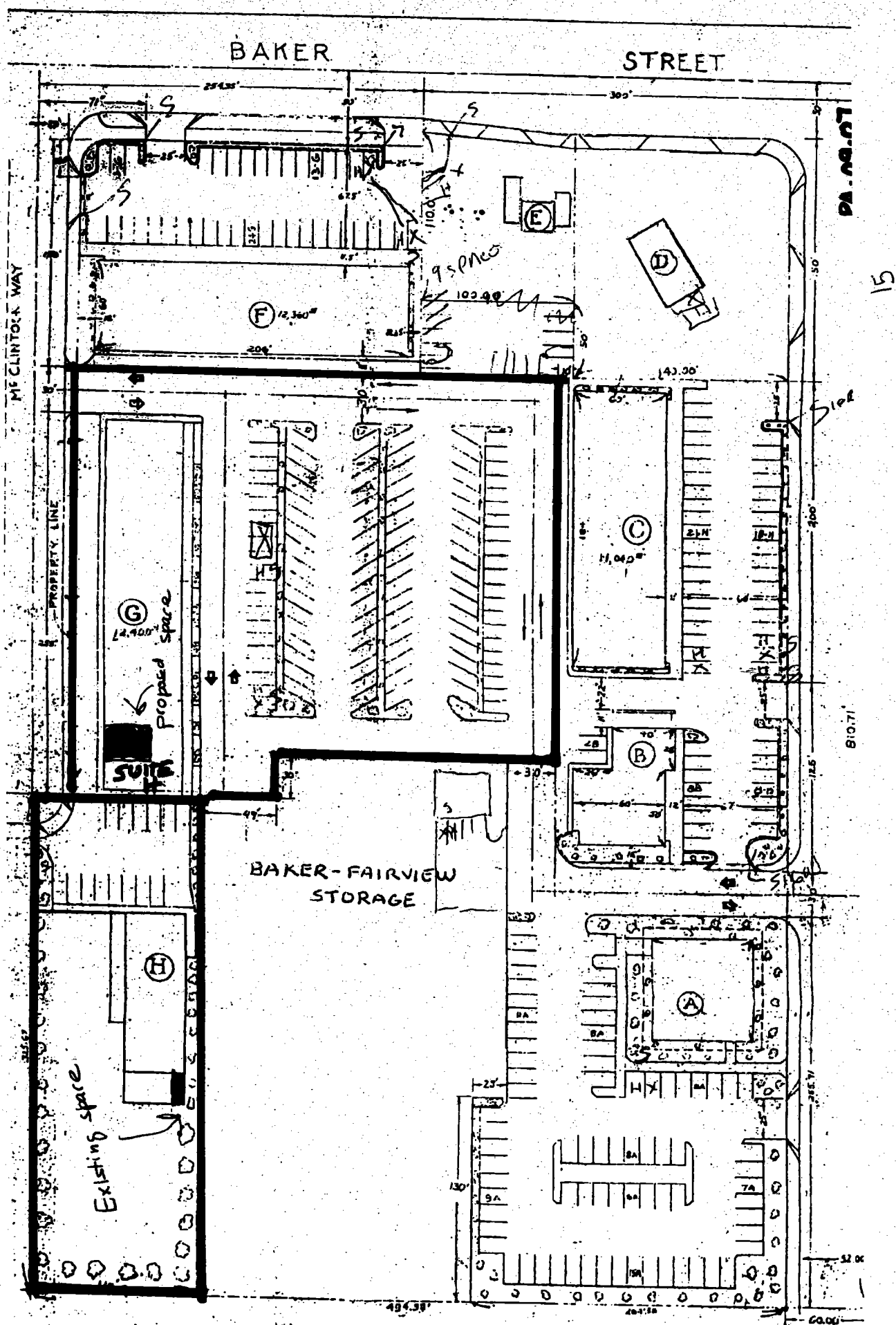
ATTACHMENT 3

Map Display





PHOTOS OF 2950 AND 2980
MCCLINTOCK, SUITE H
PA-09-07



MASTER SITE PLAN

FACILITY SKETCH (Floor Plan)

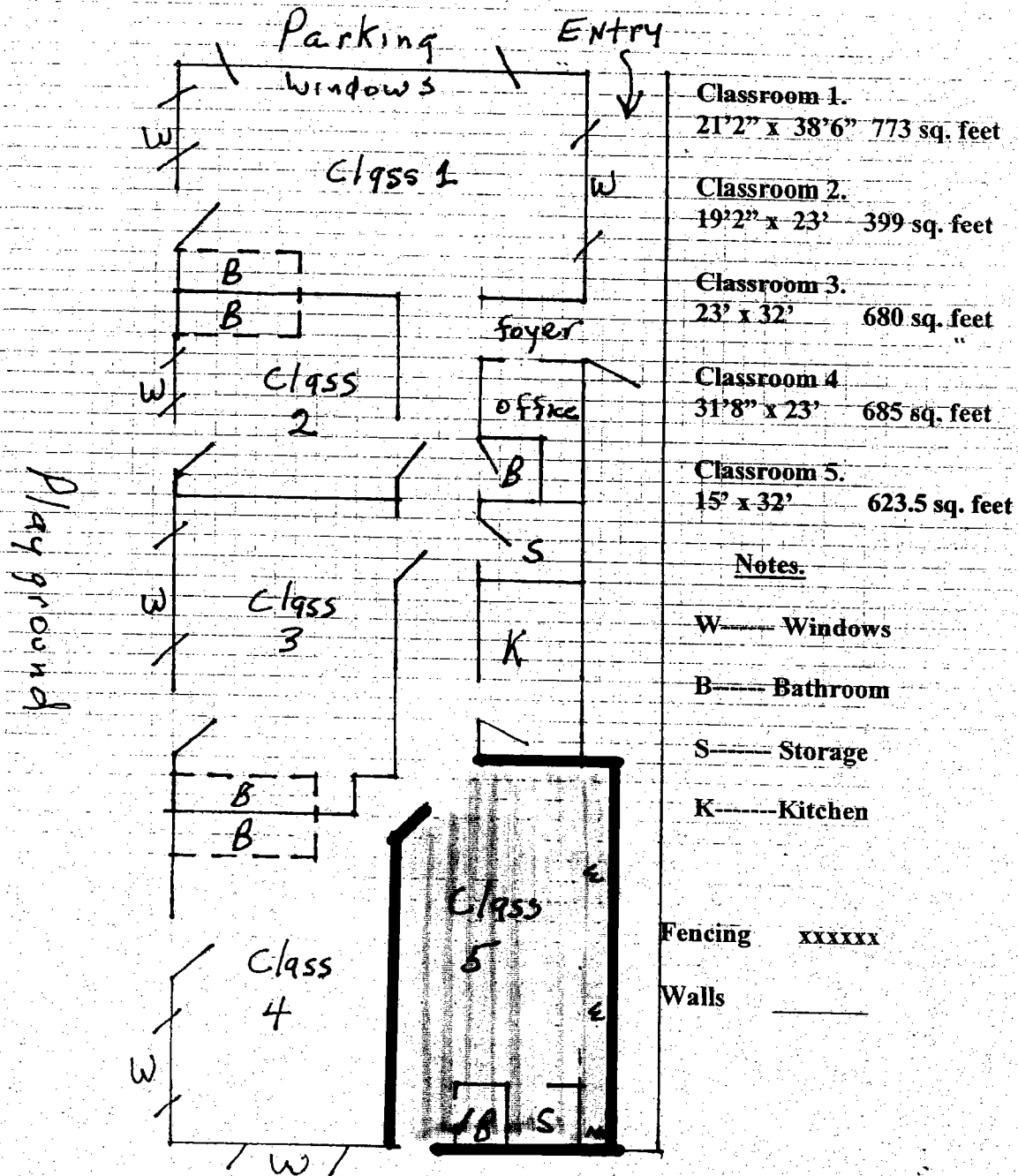
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must include as much as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes. Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME:

International Montessori

ADDRESS:

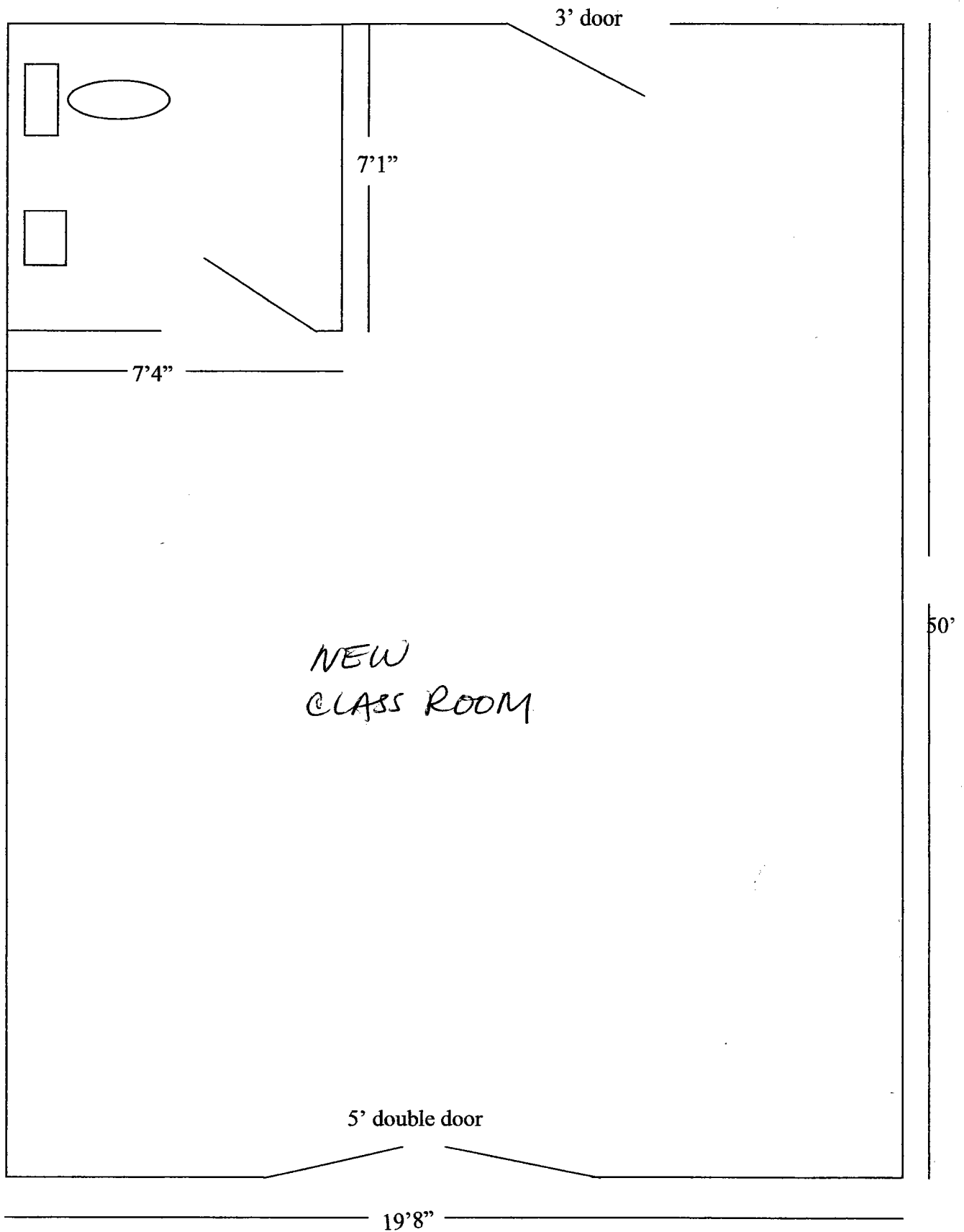
2950 McClintock Way
Costa Mesa Ca



Received

City of Costa Mesa
Development Services Department

APR - 7 2009



Address: 2980 McClintock Unit H, Costa Mesa, Ca 92627